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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KATHERINE WENNER,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

CASE NO. **2:04-CV-02343-FCD-PAN**

STIPULATION REMANDING THE
CASE AND DIRECTING THE CLERK
TO ENTER JUDGMENT; ORDER

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court as provided below, that the Commissioner has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. Upon remand by the Court, the Appeals Council is prepared to find that the claimant's impairment meets the requirements of Listing 3.02C. The Appeals Council is also prepared to find that the claimant became disabled on July 26, 2000, her alleged onset date.

It is further stipulated that the Clerk shall enter a separate judgment, as provided for under Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby

authorizes counsel for Defendant to file this document in .pdf format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: July 19, 2005

/s/ Jesse S. Kaplan

JESSE S. KAPLAN

Attorney at Law

Attorney for Plaintiff

DATED: July 20, 2005

McGREGOR W. SCOTT

United States Attorney

By: /s/ Bobbie J. Montoya

BOBBIE J. MONTOKA

Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL:

LUCILLE GONZALES MEIS
Chief Counsel, Region IX

MICHAEL A. CABOTAJE
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United States Social Security Administration

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ORDER

This case is hereby remanded pursuant to sentence four of 42 U.S.C. 405(g) for further proceedings consistent with the stipulation of the parties. The prior administrative decision is vacated and the Clerk of the Court is directed to enter Judgment.

SO ORDERED.

DATED: July 21, 2005

/s/ Frank C. Damrell Jr.

FRANK C. DAMRELL, JR.

UNITED STATES DISTRICT JUDGE